

**Notice of Allowability**

Application No.

09/629,171

Examiner

Peter Choi

Applicant(s)

MATSKO ET AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/14/06.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**TARIQ R. HAFIZ**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

### **DETAILED ACTION**

1. The following action is a response to communications received April 14, 2006. Claims 1, 7 13, 16, 19, and 20 have been amended. Claims 1-20 are pending in this application and are allowed.

2. The following is an examiner's statement of reasons for allowance: None of the prior art of record, taken individually or in any combination, teach, inter alia, the claimed invention set forth in claims 1-12.

Specifically, the invention set forth in claims 1-12 is directed towards a method and system for tracking a plurality of retail performance records for different types of events within a transaction and recording a transaction entry record, whereby inputs are received for a plurality of different events occurring at a point of sale (POS) station during a transaction (comprising scan, and key operations), a start and a stop time is determined for the plurality of events, retail performance metric records for the plurality of events associating the event type and elapsed time is recorded, the retail performance metric records are associated with a transaction entry record, and transaction entry records indicative of the transaction are recorded.

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The prior art references most closely resembling claims 1-12 of the Applicant's claimed invention are Walker et al. (U.S Patent #6,567,787), Houser et al. (U.S Patent #4,930,093), O'Brien et al. (U.S Patent #6,795,809), Siefert (U.S Patent #6,047,261), Jones (U.S Patent #5,832,458), Engler et al. (U.S Patent #6,633,851) Frey et al. (U.S Patent #5,557,513), and Green (GB 2306025).

Walker et al. teaches a method and apparatus that collects data pertaining to different events, such as scan and key operations occurring at a point of sale (POS) terminal during a transaction. Scan and key operations, as well as transaction identifier, date and time of transaction are recorded into a database. However, Walker et al. does not specifically teach weighing and tender operations, the claimed plurality of time types, or whether the time of transaction constitutes start and stop time for the plurality of different events.

Houser et al. teaches a method of measuring message response time performance at a point of sale terminal. The message include identification of type of message, time data taken from a timer in the terminal, and a sequence number that enables related messages to be paired so that time values in each can be compared to determine response time. However, Houser et al. does not specifically teach a plurality of different events being performed comprising at least scan, and key operations.

O'Brien et al. teaches a point of sale system that collects and filters sales transaction data at point of sale terminals that are connected to a store controller and remote server that record the data. The system tracks each product sold using a product code that is input into the POS by a cashier by scanning or manual entry (if the code is missing or unreadable). The system also records data about specific activities that occur during the sales process, such as voids, over-rings, manager overrides, as well as cashier identification, activity indicator, and the data and time of the activity to perform a cashier test that judges operator/cashier performance. However, O'Brien et al. does not specifically disclose recording the retail performance metric of time elapsed waiting for and start and end time of the plurality of events.

Siefert discloses measuring the performance of a user's interaction with a business terminal (a POS), and adjusting parameters of the terminal to increase the performance of the user. User profiles are created containing the parameters that obtain the best performance for each worker. Measurements are then made of worker performance during actual business transactions. Measurements include how long it takes the worker to input desired information, whether the wrong keys are pressed, etc. However, Siefert does not discuss recording an entry record into the memory of the POS, including a time stamp.

Jones teaches monitoring a POS system and collecting a copy of each retail sales transaction occurring at the POS. The transaction information includes the time of

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data and date of the transaction, the UPC of the product involved (including overrides), identification of the POS scanner/register at which the transaction occurred, scanning or manual entry, a cashier identification code identifying the cashier operating the POS, coupon redemptions, voided purchases or transactions, etc. When the transaction begins, a beginning record is written to the database, followed by activity records concerning transaction information, which is stored in an audit database, which later analyzes the information and compiles reports. However, Jones does not specifically discuss recording a retail performance metric record including the retail performance metric of the time elapsed during each transaction.

Engler et al. teaches collecting and collating information from POS data sources in order to generate reports for any combination of stores and date ranges. POS data is generated at multiple remote locations using a cash register, scanner, or other device, which is then transmitted to a central computing device, which processes the data into customer reports. However, Enger et al. does not discuss recording a retail performance metric record including the retail performance metric of the time elapsed during each transaction.

Frey et al. discusses forecasting shopper traffic data to determine future lane traffic and staffing requirements. Each shopper is recognized by the system and randomly assigned a number of items for purchase and an estimated shopping time. These factors are then used to perform simulations, the average of which is used to

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predict staffing needs. While Frey et al. discloses determining timing records associated with checkout lanes, Frey et al. does not discuss recording a retail performance metric including the retail performance metric of time elapsed during each of a plurality of transactions.

Green discloses evaluating the performance of POS station clerks by categorizing clerks into groups using various criteria, creating a display of the clerks using visibly different identifies, storing transaction information from the clerks with the clerk identifies, and displaying the transaction information. An evaluator at a host computer interacts with the display to determine the performance of the clerks. However, Green does not disclose any recording of a retail performance metric record including a retail performance metric of time elapsed during each of a plurality of transactions.

3. The following is an examiner's statement of reasons for allowance: None of the prior art of record, taken individually or in any combination, teach, inter alia, the claimed invention set forth in claims 13-20.

Specifically, the invention set forth in claims 13-20 is directed towards a method and system for tracking a plurality of retail performance records for different types of events within a transaction and recording a transaction entry record, whereby inputs are received for a plurality of different events occurring at a point of sale (POS) station

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during a transaction (comprising scan, weighing, key, and tender operations), a start and a stop time is determined for the plurality of events, retail performance metric records for the plurality of events associating the event type, time type categories (ring time, tender time, secure time, non-sales time, idle time, or no time) and elapsed time is recorded, the retail performance metric records are associated with a transaction entry record, and transaction entry records indicative of the transaction are recorded.

The prior art references most closely resembling claims 13-20 of the Applicant's claimed invention are Walker et al. (U.S Patent #6,567,787), Houser et al. (U.S Patent #4,930,093), O'Brien et al. (U.S Patent #6,795,809), Siefert (U.S Patent #6,047,261), Jones (U.S Patent #5,832,458), Engler et al. (U.S Patent #6,633,851) Frey et al. (U.S Patent #5,557,513), and Green (GB 2306025). The teachings of these prior art references are discussed fully above with regards to claims 1-12.

As per claims 13-20, Walker et al. also does not specifically teach an elapsed time related to performance of the events. Houser et al. discloses measuring message response time, as set forth above, but does not specifically teach a plurality of time type categories. O'Brien, Siefert, and Jones also lacks the time type categories, and weighing operations.

Engler et al., Frey et al., Green do not teach the time type categories, or the step of capturing individual timing information for retail performance metrics including the

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time elapsed during a plurality of events, including scan, weighing, key, and tender operations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Choi whose telephone number is (571) 272 6971. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Choi  
Examiner  
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April 17, 2006



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